



Patent
Attorney Docket No. 0076117-000003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	MAIL STOP AMENDMENT
Fabrizio Alessandro MASPERO et al.)	
Application No.: 10/540,323)	Group Art Unit: 3738
Filed: June 21, 2005)	Examiner: Suzette Jaime J GHERBI
For: BIODEGRADABLE)	Confirmation No.: 1293
BIOCOMPATIBLE IMPLANT)	

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Requirement for Restriction issued March 26, 2009, Applicants hereby elect, with traverse, the invention of Group I, claims 36-63 and 71-79.

M.P.E.P. §803 states that an application may be properly restricted to one or more claimed inventions only if (1) the inventions are independent or distinctly claimed, and (2) there is a serious burden on the Examiner if restriction is not required. Thus, even if appropriate reasons exist for requiring restriction, such a requirement should not be made unless there is an undue burden on the Examiner to examine all of the claims in a single application.

In the present case, invention group I includes claims directed to a biocompatible implant, and invention group II includes claims directed to a method for the preparation of a biocompatible implant. It appears that the search and examination involved for the two groups of inventions would have substantial

overlap. Because of the overlap in search and examination, it appears that a serious burden would not be imposed on the Examiner to examine the invention of Group II, in addition to invention Group I, in the present application.

For at least the above reasons, withdrawal of the restriction requirement and examination of all claims in the present application, are respectfully requested.

If the Examiner has any questions or comments regarding the present application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: April 24, 2009

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